

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANTONIO D. CAMPOS, individually,  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

CENLAR FSB,

Defendant.

Case No. 1:22-cv-00364

Honorable Thomas M. Durkin

Honorable Maria Valdez  
Magistrate Judge

**MOTION FOR SANCTIONS**

**NOW COMES** ANTONIO D. CAMPOS, individually, and on behalf of all others similarly situated (the “Plaintiff”), through undersigned counsel, respectfully moves under 28 U.S.C. § 1927 for sanctions against attorney Punit Marwaha (“Marwaha”). In support thereof, Plaintiff states as follows:

1. On April 12, 2022, Plaintiff, individually and on behalf of all others similarly situated, initiated this putative class action in state court, alleging that Defendant, CENLAR FSB (the “Defendant”) violated the Fair Debt Collection Practices Act (the “FDCPA”) 15 U.S.C. § 1692 *et seq.*

2. On May 2, 2022, Marwaha sent a letter, in accordance with Fed. R. Civ. P. 11 and Ill. Sup. Ct. R. 137, requesting Plaintiff withdraw his Complaint. *See Exhibit A.*

3. The letter plainly asserts “***Plaintiff Lacks Art. III Standing.***” *See id.*

4. Nonetheless, on May 13, 2022, Defendant, through Marwaha, removed to this Court under 28 U.S.C. § 1441. *See* Dkt. #1.

5. On May 16, 2022, Plaintiff moved to remand this case back to state court—acknowledging Plaintiff’s lack of Article III standing. *See* Dkt. #7.

6. Apparently, Marwaha was unthwarted by this motion.

7. Rather, Marwaha doubled down, filing a motion to dismiss for failure to state a claim—asserting Plaintiff’s lack of Article III standing—on May 20, 2022. *See* Dkt. #11.

8. Pursuant to 28 U.S.C. § 1927, “[a]ny attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.”

9. Section 1927 authorizes the court to award “the excess costs, expenses, and attorneys’ fees reasonably incurred because of” a lawyer’s vexatious conduct. 28 U.S.C. § 1927.

10. A motion under § 1927 asks whether “counsel acted recklessly ... raised baseless claims despite notice of the frivolous nature of these claims, or ... otherwise showed indifference to statutes rules, or court orders.” *Grochocinski v. Mayer Brown Rowe & Maw, LLP*, 719 F.3d 785, 799 (7<sup>th</sup> Cir. 2013).

11. Here, Marwaha removed the action to federal court and then broadly asserted that Plaintiff did not suffer a concrete injury in fact in his May 20, 2022 filing.

12. Marwaha knew that Plaintiff did not allege an injury in fact sufficient to confer Article III standing.

13. He admits as much in his May 2, 2022 letter to Plaintiff’s counsel.

14. As an attorney, Marwaha knew or should have known that Article III of the United States Constitution limits the jurisdiction of federal courts to actual “cases” or “controversies” brought by litigants who demonstrate standing.

15. Given that Marwaha knew that Plaintiff did not have standing to pursue his claims in federal court, his act of removing this action to federal court only to file a motion to dismiss—asserting that Plaintiff did not suffer a concrete injury in fact is unreasonable and shows utter disregard for Article III of the United States Constitution.

16. Indeed, Marwaha's May 20, 2022 filing serves no purpose but to delay litigation, unnecessarily increase the cost of litigation, and consume judicial resources that could be spent on the resolution of other matters before the Court.

**WHEREFORE**, Plaintiff, ANTONIO D. CAMPOS, individually, and on behalf of all others similarly situated, pray that this Court enter an Order:

- A. awarding the excess costs, expenses, and attorneys' fees reasonably incurred because of Marwaha's conduct; and
- B. granting such other relief as this Court deems just and proper.

DATED:

Respectfully submitted,

**ANTONIO D. CAMPOS**

By: /s/ Joseph S. Davidson

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2022, I electronically filed the foregoing with the Clerk of the Court for the Northern District of Illinois by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

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